

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1361 of 1986

Date of decision: 26-2-98

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SUSHMA TANAJIRAO KADU

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioner

Mr. L. R. Pujari for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/98

ORAL JUDGEMENT

The matter was called out for hearing in the first round, second round and lastly in the third round. But none put appearance for the petitioner. Perused the special civil application and the additional affidavit filed by the petitioner.

2. The petitioner, by this special civil application, has prayed for declaration that artificial intermittent breaks on every 30th or 31st day of the month is illegal, invalid, inoperative in law. Further prayer has been made by the petitioner for setting aside the order dated 22nd January, 1986 under which her services were terminated.

3. From the facts of the case I find that the petitioner was given purely temporary, fixed term appointment, which comes to an end by afflux of time. If the petitioner continues to work for some years on temporary fixed term appointment, she will not get any right to hold the post on permanent basis. Fixed term temporary appointment will not culminate into regular, permanent appointment. The matter is squarely covered by Division Bench decision of this court in the case of Bhanmati Tapubhai Muliya vs. State of Gujarat, reported in 1995(2) GLH 228. Termination of the services of the petitioner in the present case cannot be said to be illegal or arbitrary or invalid. None of the legal or fundamental right of the petitioner is infringed in the present case.

4. In the result this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted earlier stands vacated. No order as to costs.

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